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March 13, 1995

William F. Caton
Acting Secretary of Federal
Communications Commission
1919 M Street, Northwest Room 222
Washington DC 20554

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RE: Telecommunications Services - Inside Wiring, Customer Premises, Equipment,
CS Docket No. 95-184

Dear Mr. Caton:

I am writing in response to the FCC's notice of proposed rule making released on January 26, 1995, regarding telephone and cable wiring inside buildings. According to your rules, I have enclosed four copies of this letter in addition to this original. I and the property owners I represent, are concerned that any action by the FCC regarding access to private property by large numbers of communication companies may inadvertently and unnecessarily adversely affect the conduct of our business and needlessly raise additional legal issues. The commissions public notice also raises a number of other issues that concern us. For the record, I manage the N P Dodge Management Company which is responsible for the day-to-day operations of many commercial and residential properties. We own and or manage 55 properties which are valued at over 200 million dollars and effect the lives of over 14,000 tenants, a list of which is attached for your reference. The N P Dodge Management Company itself is a small business as defined by the SBA, with gross revenues under \$5,000,000 per year.

We as managers and the owners we are responsible to are particularly concerned about the federal government granting free access to private property to unrelated, possibly competing telecommunication companies without property management or owner control. This issue seems fundamental to our freedom in this country. At the same time, we appreciate the modern telecommunications that is critically important to our commercial and residential tenants. No business can survive in today's economy without effective and up-to-date telecommunication services. For that reason, it is equally important for us to insure that our tenants receive all the services they desire at a reasonable cost. The commercial real estate business is furiously competitive, and if we did not provide our tenants with access to the latest telecommunication services, we could not survive ourselves.

This applies as well to the apartment communities we manage, because access to efficient telephone and cable television service is just as important to the residents of the buildings we own or manage and we are committed to making sure our customers, the residents, receive the best services available. Government intervention, however, is neither necessary nor desirable to insure that telecommunications service providers can access our tenants and residents. Frankly, I believe that such intervention could have unintended effect of interfering with our ability to effectively manage our properties. Building owners and managers have a great many responsibilities that can only be met if their rights are

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preserved, including coordination among tenants and service providers; managing physical space; insuring the security of tenants and residents and their visitors; and compliance with safety codes. Needless regulation will not only harm our interest, but those of our tenants/residents and the public at large.

Building owners and managers must retain control over their properties and the space occupied by telephone lines and facilities, especially in a multi-occupied building, because only the landlord can coordinate the conflicting needs of multiple tenants and multiple service providers. Although this has traditionally been more of an issue for commercial properties, such coordination may become increasingly important in the residential areas. Please help us control the access to the properties we own and manage, the role of the landlord or manager and the importance of preserving control over riser and conduit space will only grow. For this reason, I believe that the best approach to the issues raised in the request for comments is to allow building owners to retain ownership in control over their properties, including inside wiring.

Most facilities have a finite quantity of physical space in which telecommunications equipment can be installed. Even if that space could be expanded, it can not be expanded beyond certain limits and it certain can not be expanded without significant expense. Installation and maintenance of equipment, involve disruptions in the activities of tenants and residents and damage of the physical fabric of a building. Telecommunications service providers are unlikely to consider such factors because they **will not be responsible for any ill effects**.

The security of the buildings we own and manage are also a concern for us and our residents and tenants. Telecommunications service providers have no such obligation. Consequently, any maintenance and installation activities must be conducted within the rules established by a buildings manager and the manager must have the ability to supervise those activities. Given the publics justified concerns about the personal safety, we simply can not allow service personnel to go any where they please in our buildings without our knowledge.

Finally, I believe that owners and managers are already held responsible for compliance with local safety and building codes, and we are the front line in their enforcement. We can not insure compliance with such requirements if we do not have control over those who work in our buildings, or when and where they complete it. Limiting our control in this area will unfairly increase our exposure liability and inadvertently effect public safety.

The demarcation point should be in regard to the nature of the property, and not the specific technology involved. There should be a uniform demarcation point for all commercial properties, and a different demarcation point for residential properties. In the case of commercial buildings, the demarcation point should be inside the premises, preferably at the telephone vault or frame room. For residential properties, the demarcation point should be outside the building if the building is an apartment building where there is not a resident superintendent and in any event outside each residents premise. We also believe that the telecommunications industry has already **established standards for connections that are widely followed**, and we believe that it is in the interest of the companies and their customers that they continue to be followed.

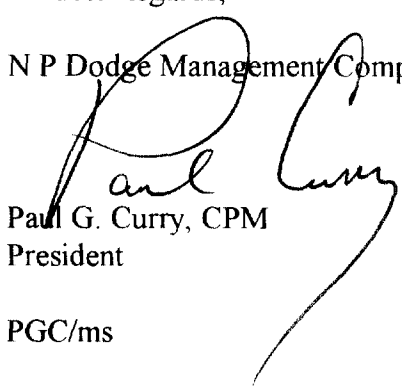
In brief, we look forward to the federal government and its local affiliates to minimize their involvement with the free enterprise system. Utility providers including telecommunications since the beginning and free commerce have been able to work out one of the most efficient and cost effect systems in the world. I have no comments on the merits of any particular scheme for regulating inside wiring, because I am not a service provider but user of telecommunications. In general, however, I think it important to note that **there are substantial differences between residential and commercial buildings**, while it makes sense to account for the convergence of technologies, it probably does not make sense to adopt uniform rules for all kinds of property. In the same regard, I am concerned that the government might impose a huge new expense on telecommunication service providers and building owners by requiring retro-fitting of existing buildings. I believe such matters should be left to the on-going discussions regarding amendments to the model building code except where safety is involved, amendments to the electrical codes of buildings are seldom retro-active.

For the most part, building owners and managers have no objection to permitting a customer to install or maintain its own wiring or buy the wiring from a service provider, provided that **the rights of the owner of the premises are taken into account**. A tenants' rights and wiring should not extend beyond the limits of the demised premises, and the landlord must retain the right obtain access to the wiring and control the type and placement of such wiring. Owners and managers also believe that the owner of the premises should have superseding right to acquire or install any wiring. In any case, a tenants right to acquire or install wiring should be governed by state property law and the terms of the tenants lease. **We must retain the right to control activities on our own property**.

I urge the FCC to consider carefully any action it may take. I appreciate your attention to my concerns.

Kindest Regards,

N P Dodge Management Company



Paul G. Curry, CPM
President

PGC/ms

cc: John Christensen's Office

Gerard Lavery Lederer, Esquire Vice President, Government & Industry Affairs

COMMERCIAL PROPERTIES

Budget Self Storage
Commercial Federal Bank
Crossroads Plaza
Dodge Pressional Center
Frederick Street Court
Harrison Square Shopping Center
Hillcrest Landing
Maplewood Plaza
Oak Plaza
Park Drive Shopping Center
Plywood Mart
Rivercity
Sears Building
Southwest Plaza
West Pacific Budget Self Storage
10605 Burt Street
10810 Harney Street

RESIDENTIAL PROPERTIES

Amber Ridge Apartments
Apple Creek Apartments
Arbor View Apartments
Beacon Hill Apartments
Bel Court Apartments
Blair Apartments
Burningham Apartments
Cambridge Apartments
Center Street Apartments
Citadel Apartments
Concord Village Townhomes
Cottage Terrace Apartments
Country Club Apartments
Country Club Village Apartments
Crestview Village
Fitzgerald Apartments
Foxboro Apartments
Grover Square Apartments
Hacienda Heights Apartments
Hillcrest Manor Townhomes
Hollybrooke Townhomes
Kensington Tower Apartments
Lake Cove Village
Lake Forest Townhomes
Muirfield Apartments
Oak Brook Park Apartments
Orpheum Tower Apartments
Prairie Woods Apartments
Ridgewood Heights Apartments
Saunders Apartments
Southroads I Apartments
Southroads II Apartments
Spring Acres Apartments
Superior Place Apartments
Washington Heights Apartments
Westbrook Garden Apartments
Woodbury Heights Apartments
Woodridge Apartments